

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ERNESTO ARMANDO RUIZ,
Appellant.

No. 2 CA-CR 2019-0115
Filed July 21, 2020

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Pima County
No. CR20173019001
The Honorable Jeffrey T. Bergin, Judge

AFFIRMED

COUNSEL

Law Offices of Erin E. Duffy P.L.L.C., Tucson
By Erin E. Duffy
Counsel for Appellant

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MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Eppich and Judge Eckerstrom concurred.

ESPINOSA, Judge:

¶1 After a jury trial, Ernesto Ruiz was convicted of possession of a deadly weapon by a prohibited possessor and possession of a defaced deadly weapon. The trial court sentenced him to concurrent prison terms, the longer of which is five years.¹

¶2 On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), stating she has reviewed the record and “has been unable to find any arguably meritorious issues to raise.” Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 30 (App. 1999), counsel has provided “a detailed factual and procedural history of the case, with citations to the record,” and has asked us to search the record for reversible error. Ruiz has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, *see* A.R.S. § 13-3102(A)(4), (7). Late one morning in June 2017, Pima County Sheriff’s deputies responded to a residence after receiving a 9-1-1 call that Ruiz was “threatening to shoot himself.” As they were talking to Ruiz outside the residence, one officer observed a firearm in plain sight by the front door, and, after being advised of his rights, Ruiz admitted that the firearm belonged to him, that he knew the serial number

¹Although Ruiz delayed his sentencing for more than ninety days by absconding, nothing in the record before us establishes he had been informed before trial that, pursuant to A.R.S. § 13-4033(C), his voluntary absence could result in forfeiture of his right to appeal from a judgment of conviction. Accordingly, we have jurisdiction to consider his appeal. *See State v. Bolding*, 227 Ariz. 82, ¶ 20 (App. 2011) (waiver of right to appeal pursuant to § 13-4033(C) requires that defendant “has been informed he could forfeit the right to appeal” by absconding).

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had been filed off, and that he was a prohibited possessor and his civil rights had not been restored.

¶4 The record also supports the jury's finding that Ruiz was on pretrial release for a separate felony offense when he committed these offenses and the trial court's finding that he had one historical prior felony conviction. The sentences imposed are within the statutory ranges. *See* A.R.S. §§ 13-703(B), (I), 13-708(D), 13-3102(M).

¶5 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and have found none. Therefore, Ruiz's convictions and sentences are affirmed.